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Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER				
IZAGUIRRE, ISMAEL				
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,560

Applicant(s)

CEVENINI ET AL.

Examiner

Ismael Izaguirre

Art Unit

3765

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13, 15-17 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 10, 18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

The examiner is appreciative of the changes made to the language of the claims. These have been duly noted and considered.

CLAIMS

Summary

Claims 10, 11, 15, 16, 20, 22 and 23 are the independent claims under consideration in this Office action.

Claims 12-14, 17, 18, 21, 24 and 25 are the dependent claims under consideration in this Office action.

Claims 1-9 and 19 have been cancelled.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to the claim, line 2-3, the words "bulges pressing step" are unclear. There seems to be text missing here.

In the second to the last line, the words "to the" are repeated.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brodt (2,026,961).

Brodt teaches an ironing board including a covering attached thereto for placing articles thereon which are smoothed by an iron and teaches method steps for placing and attaching the covering onto the ironing board. Brodt teaches the ironing board covering as including a padding 1 (figures 1-4) which is placeable in a form-fitting or intimate fashion on the ironing board 4 and in the same fashion with an ironing board cover 13. The padding is permanently attached to the cover 13 and as such is capable of positively connecting the cover to the ironing board "via" said padding. Brodt teaches the cover as including a contour which matches the contour of the board and as such is taught as capable of positively attaching and manually pressing the cover onto the ironing board through the use of snap fasteners (page 3, left side, lines 21-28) in a form-fitting manner. The snap fasteners function or provide the method step of pressing the cover onto the board.

Remarks

Applicants note that Brodt is no longer applicable to the claims 10 and 20 as now presented. Claim 10 defines an elastic padding. Brodt teaches a padding having inherent elastic properties. Brodt teaches that when a more firm or harder surface is desired, then a plurality of covers are placeable over the padding (from page 3, left side lines 74 and 75 and right side lines 1-3), therefore the padding is interpreted as having an elasticity or resilience that the user can change by adding more covers.

The claim defines the cover as "being positively connectable" in a form-fitting manner to the ironing board "via" the padding. Applicant should note that there is no specific structure or element in this product claim assigned to the cover which defines such function or method steps. The form-fitting language is read as where the cover and padding are capable of being intimately pressing or touching against at least a portion of a surface or contour of the ironing board. Brodt anticipates this. In figure 4, the cover and padding are taught as being in intimate contact with the ironing board at least on the top and sides of the board.

The claim defines the padding as having a contour "capable" of positively attaching the ironing board cover to the ironing board in the form-fitting manner. Applicant should note that defining the cover as having a "contour capable" is insufficient in terms of specific structure or elements defining the contour or material as allowing the positive attachment of the cover to the ironing board. Brodt is "capable" of positively attaching the cover to the ironing board since Brodt teaches snap fasteners on the padding which positively attach the cover to the ironing board and as such Brodt

remains applicable. Further, since the padding is intimate with the ironing board, and not taught as "slippery", then the contour would inherently allow friction therebetween to further allow the "positive attachment" of the cover onto the board.

The claim defines the padding as "configured such that" the ironing board cover is "attachable" to the ironing board "via" manually pressing the padding against the board. This is presented as a method step and does not impart or define any specific structure or element "pressing" or allowing the pressing of the padding against the ironing board. Brodt is applicable since the snap fasteners define devices for manually pressing the cover onto the ironing board.

Claim 20 defines a method for placing the ironing board cover onto the ironing board and Brodt remains applicable here as well, for the above reasons.

Claims 10 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Adiletta et al. (3,324,584).

Adiletta et al. teach an ironing board including a covering attached thereto for placing articles thereon which are smoothed by an iron and teaches method steps for placing and attaching the covering onto the ironing board. Adiletta et al. teach the ironing board covering as including a cotton padding 20 (figure 5, for example) which is placeable on the ironing board 4 in a form-fitting or intimate fashion therewith and with an ironing board cover 22. Adiletta et al. teach the cover as including a contour which matches the contour of the board and as such is taught as capable of positively attaching and manually pressing the cover onto the ironing board via the padding

through the use of clips 29 which cause engagement of the cover and padding onto the top, sides and underside of the board.

Remarks

Applicants note that Adiletta et al. is no longer applicable to the claim as now presented. Claim 10 defines an elastic padding. Adiletta et al. teach a cotton padding having inherent elastic properties.

The claim defines the cover as "being positively connectable" in a form-fitting manner to the ironing board "via" the padding. Applicant should note that there is no specific structure or element in this product claim assigned to the cover which defines such function or method steps. The form-fitting language is read as where the cover and padding are capable of being intimately pressing or touching against at least a portion of the contour of the ironing board. Adiletta et al. anticipate this. In figure 5, for example, the cover and padding are taught as being in intimate contact with the ironing board at least on the top, sides and the bottom of the board.

The claim defines the padding as having a contour "capable" of positively attaching the ironing board cover to the ironing board in the form-fitting manner. Applicant should note that defining the cover as having a "contour capable" is insufficient in terms of novelty since there is no specific structure or elements defining the contour or material as allowing the positive attachment of the cover to the ironing board. Adiletta et al. is "capable" of positively attaching the cover to the ironing board since clips are taught on the padding which positively attach the cover and padding to the ironing board. Further, since the padding is intimate with the ironing board, and not

taught as "slippery", then the contour would inherently allow friction therebetween to allow the "positive attachment" of the cover onto the board.

The claim defines the padding as "configured such that" the ironing board cover is "attachable" to the ironing board "via" manually pressing the padding against the board. This is presented as a method step and does not impart or define any specific structure or element "pressing" or allowing the pressing of the padding against the ironing board. Adiletta et al. is applicable since the clips define devices for manually pressing the cover onto the ironing board.

Claim 20 defines a method for placing the ironing board cover onto the ironing board and Adiletta et al. remains applicable here as well, for the above reasons.

Claims 10, 18, 20 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Musker (0043, 700).

Musker teaches an ironing board including a covering attached thereto for placing articles thereon which are smoothed by an iron and teaches method steps for placing and attaching the covering onto the ironing board. Musker teaches the ironing board covering as including a padding of about 3 mms in thickness which is placeable in a form-fitting or intimate fashion on the ironing board and in the same fashion with an ironing board cover. The padding is permanently attached to the cover via a spray adhesive and as such is capable of positively connecting the cover to the ironing board "via" said padding. Musker teaches the cover as including a contour which matches the contour of the board and as such is taught as capable of positively attaching and manually pressing the cover onto the ironing board through the use of a spray adhesive

applied to the padding. The spray adhesive is applied to the padding and is heated by an iron with a heated soleplate. The soleplate is pressed against the cover for connecting or gluing the top of the cover first. Next, the sides are heated and pressed for adhering the cover to the sides and then at least the peripheral bottom of the cover is heated for pressing and adhering the padding and cover to the bottom of the board.

Remarks

Musker is being reapplied in view of applicants change to the language of the claims. Musker was applied in a previous Office action. Claim 10 defines an elastic padding. Musker teaches a padding having inherent elastic properties.

The claim defines the cover as "being positively connectable" in a form-fitting manner to the ironing board "via" the padding. Applicant should note that there is no specific structure or element in this product claim assigned to the cover which defines such function or method steps. The form-fitting language is read as where the cover and padding are capable of being intimately pressing or touching against at least a portion of a surface or contour of the ironing board. Musker anticipates this in two ways: The first, since the cover and padding are taught as being in intimate contact with the ironing board and the second reason being that the cover is attached to the padding via the spray adhesive on the padding and the padding and cover are attached to the ironing board via the spray adhesive on the padding.

The claim defines the padding as having a contour "capable" of positively attaching the ironing board cover to the ironing board in the form-fitting manner. Applicant should note that defining the cover as having a "contour capable" is

insufficient in terms of specific structure or elements defining the contour or material as allowing the positive attachment of the cover to the ironing board. Musker is "capable" of positively attaching the cover to the ironing board since a spray adhesive is provided on the padding.

The claim defines the padding as "configured such that" the ironing board cover is "attachable" to the ironing board "via" manually pressing the padding against the board. This is presented as a method step and does not impart or define any specific structure or element "pressing" or allowing the pressing of the padding against the ironing board in claim 10. Musker is applicable since he teaches pressing the cover and padding with the hot sole of an iron for attaching the covering to the board and the method step (claim 20) for such attaching.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brodt in view of Ruttenberg (4,360,984) and over Adiletta et al. in view of Ruttenberg.

Each, Brodt and Adiletta et al. disclose the invention substantially as claimed. See above for specific explanations of the structural details of each document. Briefly,

each, Brodt and Adiletta et al. on their own teach ironing boards including ironing board covers comprising pads which are positively connected to the undersides of the ironing boards. However, neither Brodt nor Adiletta et al. suggest the padding having a thickness of .2 to 5 centimeters.

Ruttenberg teaches an ironing pad having a padding layer which is at least .6 centimeters thick and can be as thick as 1.9 centimeters.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the padding of Ruttenberg and Adiletta et al., each with a thickness of at least .6 centimeters. Providing a lesser thickness or a greater thickness would optimize the efficiency and life of the padding depending on the use environment and anticipated cost to build the pad.

ALLOWABLE SUBJECT MATTER

Claims 11-13, 15-17 and 22-25 are allowable over the prior art of record.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

STATUS

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. This applies to the anticipation of the claims by Musker. This document was not applied in the last Office action but has been applied in a previous Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/
Primary Examiner, Art Unit 3765